

In the United States District Court
for the Middle District of
Pennsylvania

FILED
HARRISBURG, PA

FEB - 3 2021

Jerell Tate,
Petitioner,

PER _____
DEPUTY CLERK

v.

Case number. 1:18CR00069

United States of America,
Respondent.

Motion in pursuant to 18 U.S.C. § 3582's compassionate
Release as modified by the First Step Act of 2018

Comes Now, Jerell Tate, acting pro se, petitions this honorable
Court for compassionate Release for extraordinary and
compelling reasons set forth hereinafter.

I.

Introduction

Petitioner currently suffers from severe health problems that
are life threatening. As set forth in 18 U.S.C. § 3582 petitioner
attempted to gain relief from his current institution's warden.
After he was denied relief petitioner was compelled to seek this
honorable court for relief. Petitioner will do his best as pro se
and ask that this petition be construed liberally.

II.

Statement of the Facts

On August 3, 2017 petitioner was arrested for possession with intent to distribute heroin. Petitioner was 24 years old. Petitioner admitted guilt and was sentenced in June 2019 to 132 months imprisonment.

III.

Statement of the Case

Petitioner was sentenced to 132 months pursuant to 21 U.S.C. § 841. Petitioner never filed an appeal nor a 28 U.S.C. § 2255 motion. As such petitioner moves this court for reasons outside of collateral attack nor legal issues concerning adjudication of his offense.

IV.

Extraordinary and Compelling Reasons

A.) Mr. Tate has been incarcerated since August 3, 2017. Since his incarceration he has been a model inmate. Mr. Tate has not been in any trouble and has become a mentor to fellow inmates recognized by BOP staff. In addition he has completed volunteer programs for personal growth.

Mr. Tate is a young man who after making a mistake decided to take advantage of the prison time he received by rehabilitating himself. It seems everything is going uphill for Mr. Tate except for a few debilitating and life threatening health issues.

Mr. Tate was diagnosed with severe anxiety and depression in 2017. However he has been taking medication to help cope

but due to the current pandemic and its affect on society, has caused him much worry. One cannot help but be depressed during these times so im sure you understand your honor. Mr. Tate's greatest fears are his children and not being able to care for them as a loving father.

On October 13, 2020 Mr. Tate was rushed to the hospital's emergency room and found to have a deadly blood clot in his leg. As you may know blood clots can stop ones heart if not properly treated. This event caused Mr. Tate even more anxiety wondering if he is going to die. Although he was treated, the nursing staff surmised that Mr. Tate may have sickle cell disorder.

Since being treated for his blood clot the nurses have forgotten on 3 occasions to bring him his medicine. The nurse staff is extremely busy trying to manage affairs evolving around COVID-19, and come up short time to time and Mr. Tate needs his medicine for his blood clot. Mr. Tate fears that inadequate medical attention may cost him his life or some other health issue as a result of missed meds.

On November 16, 2020 Mr. Tate tested positive for COVID-19. Mr. Tate has a weak immune system and has trouble breathing at times since he tested positive. Mr. Tate truly feels he will suffer a nervous breakdown under the current circumstances. His main fear is not getting adequate medical attention, here we are 2021 almost 4 months later Mr. Tate's leg is still in pain

still swelled up and the blood clot has not been cured.

For the foregoing reasons Mr. Tate begs this honorable Court to consider his health issues as being extraordinary. He does not know how to compel the Court but presents his case in good faith hoping the Court can make a decision that would give him hope and a chance to do his prison sentence on home confinement.

B.)

18 U.S.C. § 3553

Mr. Tate did not have your typical childhood where he was protected from the dark side of reality. He was exposed to illegal drugs and corrupt living from those that should have steered him away. Eventually he became a drug addict and to support his habit fell a victim to the life and began selling drugs.

Mr. Tate as a juvenile did all the wrong things at a time when his brain and foresight was undeveloped. He now sees all the consequences of decisions such as the bad ones he made. The last 3 years plus has woke him up.

Mr. Tate has a new found respect for the law and does not deny his punishment. Mr. Tate has made a personal vow and promise to himself and next to his children not to break the law ever again. He sees the damage that drugs have on a community and is now mature enough to refrain on account of the community needs.

Mr. Tate has been employed since his incarceration but lately his Medical Condition wont allow him to work. Mr. Tate with all due respect does not feel certain that his health condition will improve due to inadequate medical attention.

Mr. Tate understands that the judge tailored a sentence under §3553 and may not budge from his sound judgement. Mr. Tate however hopes that he can re-tailor the manner in which he does his sentence to help him in his dire situation. Mr. Tate seeks compassionate Release to home confinement and is not requesting any time reduction.

In the event that your honor grants me home confinement or any relief you deem fit; I promise that I will abide by any conditions or terms you impose. I'm sincerely concerned about my ill health and getting adequate health care in society. Also since early December 2020 I have been having on and off kidney pains and was given tylenol which is not going to help get better.

V

Conclusion

Mr. Tate seeks compassionate Release in light of his health issues that are seriously in need of better health care. He has learned a great lesson and understands the seriousness of his offense. He will obtain employment and follow the law if granted. Mr. Tate has family ties and support and they will assist him in any way possible to assist in his rehabilitation.

Petitioner seeks any equitable relief necessary and available. Petitioner prays for sound judgement and in any event respects this honorable Courts final decision.

Mr. Tate declares under penalty of perjury that the foresaid is true, correct and not meant to mislead. see 28 U.S.C. § 1746.



Jerrell Tate
Reg # 76265067
FCI McDowell
P.O. Box 1009
Welch, WV 24801

6).

Certificate of Service

I, Jerell Tate, certify that on January 26, 2021 sent a correct copy of the 18 U.S.C. § 3582 motion seeking compassionate Release. Furthermore, I placed it in the U.S. Postal Service via my Institutions mail Room.

U.S. Attorney Office
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108

From: Jerell Tate
Reg. # 76265067
FCI McDowell
P.O. Box 1009
Welch, WV 24801

Jerrell Tate

#76265067

McDowell

Federal Correctional Institution

P.O. Box 1009

Welch, West Virginia 24801

LETTER X STATION



Charleston P88XC 253
TUE 26 JAN 2021 PM

Office of the Clerk
United States District Court
United States Courthouse
228 Walnut Street

P.O. Box 983

Harrisburg, PA 17108